

Notice of Allowability

Application No.

10/612,747

Applicant(s)

WAGNER ET AL.

Examiner

Art Unit

Fred M. Teskin

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE FILED MARCH 30, 2005.
2. ☒ The allowed claim(s) is/are 1-13, 16-37 and 40-49.
3. ☒ The drawings filed on 07 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 033005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The claims are allowed primarily because of the limitations to (a) conveying polyethylene resin in a downstream direction through a feed zone, a melt-mixing zone downstream of the feed zone, and a melt zone downstream of the melt-mixing zone; (b) contacting the resin with oxygen in an amount of at least 40 parts by weight O₂ per million parts by weight resin; and (c) contacting the resin with primary antioxidant, where step (c) is carried out downstream of step (b).


These limitations, found in each of independent claims 1, 16 and 40, are deemed to distinguish applicants' claimed process over the prior art, including WO 03/047839, cited in the IDS of March 30, 2005. Indeed, with respect to this cited document, its most pertinent portions teach contacting molten polyethylene resin (having a bimodal molecular weight distribution) in the melt zone of an extruder with a gas mixture of 8 to 40 % by volume O₂ (e.g., page 3, ll. 5 *et seq.*). Throughout the document, the quantity of O₂ is always expressed as a *volume percentage* of the gas mixture added to the melt zone. Contacting the resin with at least 40 parts *by weight* O₂ per million parts *by weight resin* is nowhere mentioned or implied. Moreover, there is no teaching or suggestion to effect downstream contacting of the oxygen-contacted resin with primary antioxidant, as required by all of applicants' claims.

As of the date of the Notice of Allowability, examiner has not identified or located any prior art documents that anticipate or render obvious to a person of ordinary skill in the art the process of the claimed invention.

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Accordingly, claims 1-13, 16-37 and 40-49 are deemed to define allowable subject matter and are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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